IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.1380 OF 2004

Jijaba Tukaram Bhingardave ...Appellant

vs.

Maruti Bandu Lade & Anr. ...Respondents

Mr.A.V.Anturkar with Ms Vinita Shastry for the Appellant

CORAM: A.S.OKA,J.
DATE : MARCH 23, 2005.

P.C.:

1. Heard Shri Anturkar for the Appellant.

2. The Appeal is by the unsuccessful Plaintiff in a suit for specific performance. The finding of the Courts below is that the agreement for sale is not proved. The only finding recorded is that there was a payment of Rs.18,700/- by the Appellant to the Respondent in the year 1989-90. However, the suit is filed in the year 1996. There is a finding recorded by the Appellate Court that there is no evidence of existence of contract of sale between the parties. There is no evidence regarding terms on which the property was alleged to be sold. There is no prayer made in the plaint for refund of consideration allegedly paid in the suit agreement.

3. In view of the concurrent findings of fact recorded by the Courts below, no substantial question of law arises. Second Appeal is dismissed with no order as to costs.

JUDGE.